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Letter dated 9 April 2012 from the Permanent Representative of Burkina Faso to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit herewith a copy of the Framework Agreement (see annex) for implementation of the Solemn Undertaking of 1 April 2012 between the Mediator of the Economic Community of West African States, His Excellency President Blaise Compaore of Burkina Faso, and the Comité national pour le redressement de la democratie et la restauration de l'État, which was signed on 6 April in Bamako, Mali.

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Der **Kogda**
Ambassador
Permanent Representative

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Annex to the letter dated 9 April 2012 from the Permanent Representative of Burkina Faso to the United Nations addressed to the President of the Security Council

Framework Agreement for implementation of the Solemn Undertaking of 1 April 2012

Between

The Mediator of ECOWAS, on the one hand,

and

The Comité national pour le redressement de la democratie et la restauration de l'État, on the other hand,

Considering that the return to constitutional normality is contingent on compliance with the provisions of the Constitution of 25 February 1992, article 36 of which provides for a transition in the office of President of the Republic in the event of a vacancy or incapacity;

Recalling that, pursuant to article 36:

> If the President of the Republic is temporarily prevented from performing his functions, his powers shall be exercised provisionally by the Prime Minister.
>
> In the event that **the office of the President of the Republic falls vacant** for any reason or that **the Constitutional Court, mandated by the President of the National Assembly and the Prime Minister, declares that the President of the Republic is totally or permanently incapacitated**, his functions shall be exercised by **the President of the National Assembly**.
>
> A new President shall be elected for a new five-year term of office.
>
> **The election of the new President shall be held at least twenty-one days and not later than forty days** after the official notification of the vacancy or of the permanent nature of the incapacity.
>
> In any case of incapacity or vacancy, articles 38, 41, 42 and 50 of the present Constitution shall not apply.

The ECOWAS Mediator and the Comité national pour le redressement de la democratie et la restauration de l'État have agreed to adopt the present Framework Agreement for implementation of the Solemn Undertaking of 1 April 2012, which reads as follows:

Chapter I: Implementation of the provisions of article 36 of the Constitution

Article 1

The President of the Republic shall officially resign from office.

Article 2

The Chairman of the Comité national pour le redressement de la democratie et la restauration, in accordance with his solemn declaration of 1 April 2012, shall initiate the implementation of article 36 of the Constitution of 25 February 1992.

Article 3

Pursuant to the provisions of article 36, paragraph 2, of the Constitution, the President of the National Assembly and the Prime Minister shall inform the Constitutional Court of the said resignation so that it can take note of the vacancy.

The Constitutional Court, with reference to the provisions of article 36, paragraph 2, of the Constitution, shall take note of the vacancy of the office of the President.

Article 4

The President of the National Assembly shall be installed as Acting President of the Republic by the Constitutional Court and instructed to hold a presidential election within the 40-day time frame mandated by the Constitution.

Chapter II: Establishment of transitional institutions

Article 5

In light of the exceptional circumstances in the country; the institutional crisis and the armed rebellion in the north, which have seriously affected the regular functioning of the institutions of the Republic; and the impossibility of holding elections within the 40-day time frame mandated by the Constitution, it is essential to ensure a political transition that will lead to free, democratic and transparent elections throughout the national territory.

Article 6

In the circumstances outlined in article 5 above, the signatories to this Agreement undertake to establish the following transitional institutions, which shall leading the transition process until a presidential election is held on the basis of electoral rolls that have been duly revised and accepted by all.

(a) A transitional Prime Minister and Head of Government, with full powers, shall be appointed and shall be mandated to lead the transition, to manage the crisis in the north of Mali and to organize free, transparent and democratic elections, in accordance with a road map;

(b) A transitional national unity Government shall be established, composed of figures chosen by consensus, and shall be responsible for implementing the road map to end the crisis;

(c) The national unity Government shall work to establish humanitarian assistance;

(d) The signatories, in consultation with all stakeholders, shall adopt a transitional road map, which shall include:

– The time frame and schedule for the transition;

- The operational tasks to be undertaken by the various transitional institutions to ensure a peaceful transition;
- The organizational modalities for elections with a view to the complete normalization of the situation;
- The review of the electoral rolls;

(e) The role and status of members of the Comité national pour le redressement de la democratie et la restauration de l'État during the transition process shall be defined.

Chapter III: Adoption of supporting legislative measures

Article 7

Given the exceptional circumstances that the country is experiencing as a result of the war and to ensure that elections are organized successfully throughout the country and to strengthen social cohesion and national unity, a number of legislative texts to support the transition process shall be voted on by the National Assembly:

(a) A general amnesty law for members of the Comité national pour le redressement de la democratie et la restauration de l'État and their associates;

(b) A law on compensation for victims of the war and of the insurrection of 22 March 2012;

(c) A law extending the mandate of deputies until the end of the transition;

(d) A law on military policy and planning to address the organizational and equipment needs of the Army;

(e) A law establishing a military committee to monitor the reform of defence and security forces.

Chapter IV: Commitments of the signatories

Article 8

The Comité national pour le redressement de la democratie et la restauration de l'État shall implement this agreement under the auspices of the ECOWAS Mediator and with the support of the international community.

Article 9

Once this agreement has been signed, the current Chairman of ECOWAS shall take the necessary measures to lift the sanctions imposed on Mali during the summit of 29 March 2012.

Article 10

In view of the very disturbing humanitarian situation, the current Chairman of ECOWAS shall make funds for humanitarian assistance available to Mali and shall call on the technical and financial partners of Mali and the international community to provide appropriate humanitarian assistance.

Done at Bamako on 6 April 2012.

For the ECOWAS Mediator:

For the Comité national pour le redressement
de la democratie et la restauration de l'État:

(*Signed*) Captain Amadou Haya **Sanogo**

(*Signed*) Yipènè Djibrill **Bassolé**
Minister for Foreign Affairs and
Regional Cooperation of Burkina Faso

Witness

Minister of African Integration
of the Republic of Côte d'Ivoire
(*Signed*) Adama **Bictogo**

Witness

Deputy Minister for Foreign Affairs
of the Federal Republic of Nigeria
(*Signed*) Dr. Mohammed **Nouriddeen**